



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 10/645,186
Applicant: David A. Busche, et al.

Examiner: Walter Aughenbaugh
Art Unit: 1772

Filing Date: 21 August 2003

Title: Easy Open Heat-Shrinkable Package

Customer Number: 30482

Docket Number: 20703

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION UNDER 37 C.F.R. 1.132

I, David A. Busche, declare the following:

1. I am an inventor in the above-referenced patent application.
2. I received a B.S. Degree in Chemical Engineering in 1980 form the University of Wisconsin – Madison.
3. I am employed as Vice President – Research & Development by Curwood, Inc. and have been employed by Curwood, Inc., since June 1980 in various Product Development roles.
4. I have reviewed the 16 January 2007 Office Action and the patents cited by the Examiner, specifically U.S. Patent No. 5,888,648 to Donovan et al. ("Donovan") and U.S. Patent No. 6,221,410 to Ramesh, et al. ("Ramesh").
5. I would not have looked to Donovan to address the need of "an improved heat-shrinkable packaging receptacle that includes seals of sufficient strength to survive the heat shrinking process and handling and resist spontaneous opening due to residual shrink forces, yet includes at least one heat seal that is readily openable by application of force without requiring use of a knife or cutting implement and without uncontrolled or random tearing or rupturing of the packaging materials" (as stated in my application at page 3) because of the following:
 - Donovan uses the term "oriented polypropylene" (or "OPP"). This term usually refers to a heat-set, heat-stabilized material which is oriented and held at a high temperature to relieve and remove strains that would cause it to shrink if subjected to a high temperature in the future. The OPP in Donovan refers to a packaging film that is not intended to shrink.

- Donovan is assigned to Mobil Oil Corporation, now Exxon Mobil Corporation. Exxon Mobil packaging films are known to be not heat-shrinkable and to be designed away from including heat-shrink properties.
- Due to the designing away from heat-shrink properties, Exxon Mobil packaging films are also known to have an opening system that could not withstand the strain placed on seals in a film with shrink properties.

I, David A. Busche, further declare that all statements made in this declaration that were made of my own knowledge are true and that all statements made on information and belief are believed to be true. I am aware that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issuing thereon.

7-16-2007

Date

David A. Busche

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